

St. Louis City Ordinance 63101

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 252

INTRODUCED BY ALDERMAN NANCY WEBER

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Salisbury from the east right-of-way line of Second westwardly approximately 200' to a point. Second from the north right-of-way line of Salisbury northwardly approximately 207' to a point. A 3' wide strip of the 20' wide north/south alley in City Block 1213 extending from Salisbury southwardly 50' to a point and being bounded by Salisbury on the north, vacated Second on the east, and Broadway on the west in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of: A portion of Salisbury Street, forty foot wide (40'), between Broadway and Second Street, a portion of Second Street, sixty foot wide (60'), between Salisbury Street and Bremen Avenue, sixty foot wide (60'), and a portion of a north-south alley twenty foot wide (20') in City block 1213, being more particularly described as follows:

Beginning at a point located at the northeast corner of City Block 1213, prior to the vacation of Second Street, sixty foot wide (60'), by City Ordinance 57408, said point also being the intersection of the south line of Salisbury Street forty foot wide (40') and the west line of Second Street, sixty foot wide (60') prior to said vacation ordinance; thence south sixty-eight degrees, 30 minutes, zero seconds west (S 68 30' 00" W) along the southern line of Salisbury Street, forty foot wide (40'), one hundred forty feet (140.00') to the east line of a twenty foot wide (20') north-south public alley; thence south 20 degrees, 50 minutes, zero seconds east (S 20 50' 00" E) along the eastern line of said alley, fifty feet (50.00') to a point; thence south sixty-nine degrees, ten minutes, zero seconds west (S 69 10' 00" W), three feet (3.00') to a point; thence north twenty degrees, fifty minutes, zero seconds west (N 20 50' 00" W), parallel with the eastern line of said alley, eighty-nine point ninety-seven feet (89.97') to the north line of Salisbury Street, forty foot wide (40') thence south sixty- eight degrees, thirty

minutes, zero seconds east (S 68 30' 00" E) along the northern line of Salisbury Street, one hundred forty-three feet (143.00') to the southeastern corner of City block 2529, said corner being the southeast corner of the property conveyed to Mallinckrodt, Inc. as recorded in Deed Book 613M, page 939 of the City of St. Louis Records; thence north twenty degrees, fifty minutes, zero seconds west (N 20 50' 00" W) along the apparent western line of Second Street, sixty foot wide (60'), two hundred seven feet (207') to a point, said point also being the southeast corner of property conveyed to the City of Venice, Illinois as recorded in Deed Book 7887, page 425 of the City of St. Louis Records; thence south eighty-one degrees, forty-eight minutes and six seconds east (S 68 48' 06" E) sixty-eight point sixty-two feet (68.62') to a point, said point, said point being the southwest corner of property conveyed to the City of Venice, Illinois as recorded in Deed Book 7887 page 425 of the City of St. Louis Records, said point also being on the apparent eastern right away line of Second Street, sixty foot wide (60'); thence south twenty degrees, fifty minutes, zero seconds east (S 20 50' 00" E) along the apparent eastern line of Second Street, sixty foot wide (60'), two hundred thirteen feet (213.00') more or less to the northwest corner of City block 1212 prior to the street vacation of Second Street, sixty foot wide (60'), by City Ordinance Number 57408 and street vacation of Salisbury Street, forty foot (40') wide, by City Ordinance Number 58148; thence south sixty-eight degrees, thirty minutes, zero seconds west (S 68 30' 00" W) along the southern line of Salisbury street, forty foot wide (40'), sixty feet (60.00') to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO:

Petitioner is Mallinckrodt Specialty Chemical Corporation. Vacation will allow for consolidation of property to accomodate future plant expansion.

SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR:

The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water

Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN:

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance One Year (365 days) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/03/93	12/03/93	STR		

2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/21/94			01/28/94	02/04/94
ORDINANCE	VETOED		VETO OVR	
63101				